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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,247	12/05/2000	Geoffrey K. Crawshaw	642932/002	8100

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EXAMINER	
MCALLISTER, STEVEN B	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/730,247	Applicant(s) Crawshaw et al
	Examiner Steven McAllister	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Nov 3, 2003* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above, claim(s) *11-20* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *Apr 16, 2001* is/are a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Election/Restriction

1. Applicant's election of Invention I in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 12-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 5.

Claim Objections

It is noted that no claim 10 appears to exist in the claims. Therefore, claims 11-21 were renumbered 10-20..

Claim Rejections - 35 USC § 112

3.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because "a data storage device" is recited three times. It is not clear whether one device is claimed 3 times or three different devices are claimed. In examining the claim it was assumed to be one device.

Claim 1 is indefinite because "a user" and "user-selected" were recited, but it is not clear whether these two recitations necessarily deal with the same user. In examining the claim it was assumed that they did not.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35

U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 6, 7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Haseltine et al (6,578,015).

Haseltine shows all elements of the claims including servers in communication with each other, the servers comprising general data software (such as an operating system); data storage device; special purpose software comprising billing software; and a database; wherein the special purpose software receives data form a user via the internet (see e.g., Figs. 3 and 4); stores the received data as internal data; and creates external data (comprising for instance an invoice and billing statement) from the internal data based upon user selected criteria (such as look and feel of billing).

As to claim 7, it is noted that the servers are a single computer.

As to claim 10, as broadly claimed, it is noted that the data storage device is a high speed data storage device.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haseltine et al.

Haseltine et al show all elements of the claims except distributing the server functions over a plurality of physical computers. However, it is notoriously old and well known in the art to provide a distributed computing environment. It would have been obvious to of ordinary skill in the art to modify the apparatus of Haseltine et al by distributing the servers over a plurality of computers to provide an easily scalable solution.

9. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran (5,991,742) in view of Martin, Jr. et al (6,509,913).

Tran shows servers in communication with each other, the servers comprising general data software (such as an operating system); data storage device; special purpose software comprising accounting, invoicing and billing software; and a database; wherein the special purpose software receives data form a user; stores the received data as internal data; and creates external data from the internal data based upon user selected criteria. Tran does not show that data is transferred over the internet. Martin et al show transferring data over the internet. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Tran by providing an internet connection between the portable computing device and the servers in order to allow time and expense data to be submitted while away from the office.

As to claims 2 and 3, it is noted that Tran shows that the special purpose software comprises applications for providing time bills and expense reports since these functions are necessary for billing and that it has software for project tracking since accounting software inherently tracks aspects (at least the financial aspects) of a project. It does not explicitly show proposal or time sheet functionality. However, it is notoriously old and well known in the art to provide this functionality. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Tran by providing proposal and time sheet functionality in order to easily track offers tendered to provide services and to ease the burden of employee management.

As to claim 6, it is noted that the special purpose software is operable to create an invoice with the external data. It does not explicitly show communicating the invoice via the internet, but it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Tran by sending the invoice via internet in order to save time.

As to claim 7, it is noted that the Tran in view of Martin et al show a single computer.

As to claims 8 and 9, Tran in view of Martin et al show all elements of the claims except distributing the server functions over a plurality of physical computers. However, it is notoriously old and well known in the art to provide a distributed computing environment. It would have been obvious to of ordinary skill in the art to further modify the apparatus of Tran by distributing the servers over a plurality of computers to provide an easily scalable solution.

As to claim 10, as broadly claimed, it is noted that the data storage device is a high speed data storage device.

10. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of Martin et al as applied to claims 1 and 3 above, and further in view of Fanjoy (5,842,181).

Tran in view of Martin et al show an off-line program on a remote computer storing time and expense data in a database on the data storage device of the remote computer; establishing a connection from the remote computer to the servers (as discussed in claim 1) via the internet; communicating stored time and expense data to the servers for storage in the database as internal data; and said software in connection with the processor of the servers deleting the stored time and expense data from the data storage device of the remote computer after the time and expense data is uploaded (see e.g. col. 9, lines 51-62. It is noted that changes are made to the data stored on the remote computer in synchronizing the systems and that changing the data inherently means deleting the old data). Tran in view of Martin et al do not show that the off-line program is downloaded from the servers. Fanjoy shows off-line software downloaded from the accounting servers (e.g., col. 4, lines 62-65). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Tran by providing downloadable software from the servers in order to ease updating of software when a new revision is provided.)

As to claim 5, it is noted that both Tran and Fanjoy show downloading data from the servers to the remote computes when a connection is established.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

Steven B. McAllister

November 30, 2003